

stated and implied. Further misbranding, Section 502 (a), the following label statements were false and misleading since if taken as directed, the article would supply materially less calcium and iron than stated:

When Taken According to Directions Will Supply Percentage of Daily Requirements as Listed

| | <i>Calcium</i> | <i>Iron</i> |
|------------------------------|----------------|-------------|
| Man----- | 13.50% | 16.00% |
| Woman----- | 13.50% | 16.00% |
| Pregnancy latter half----- | 7.00% | 12.75% |
| Lactation----- | 5.25% | 12.75% |
| Children 1 to 9 years----- | 10.75% | 19.20% |
| Children 10 to 12 years----- | 9.00% | 16.00% |
| Girls 13 to 15 years----- | 8.00% | 13.00% |
| Boys 12 to 15 years----- | 7.50% | 13.00% |
| Girls 16 to 20 years----- | 10.50% | 13.00% |
| Boys 16 to 20 years----- | 7.50% | 13.00% |

Further misbranding, Section 502 (f) (1), the article failed to bear adequate directions for use since at times it failed to bear labeling which set forth the purposes for which the article was intended to be used as a drug.

The article was alleged also to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

PRAYER OF COMPLAINT: That the defendant be restrained and enjoined during the pendency of the action and permanently, from shipping in interstate commerce an article known as *Paracelsus*, or under any other name, which was adulterated or misbranded as alleged.

DISPOSITION: December 10, 1948. The defendant having consented to the entry of a decree, a permanent injunction was granted enjoining and restraining the defendant from shipping in interstate commerce an article under the trade name *Paracelsus*, or under any other name, which was adulterated or misbranded as alleged in the complaint.

2554. Misbranding of Mel-O-Eze, Mount Clemens Mineral Salts, Mount Clemens Cleme-Tone Concentrated Mineral Water, and Pile-Dume. U. S. v. 42 Jars, etc. (F. D. C. No. 24919. Sample Nos. 14868-K to 14871-K.)

LIBEL FILED: July 6, 1948, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 10, 1948, from Mount Clemens, Mich., by the Mount Clemens Mineral Water Co., Inc.

PRODUCT: 42 1-ounce jars of *Mel-O-Eze*, 24 75-pound drums of *Mount Clemens Mineral Salts*, 36 6-ounce bottles of *Mount Clemens Cleme-Tone Concentrated Mineral Water*, and 42 1-ounce jars of *Pile-Dume* at Chicago, Ill. Examination showed that the *Mel-O-Eze* consisted essentially of chloride and carbonates of potassium, sodium, calcium, and magnesium in a fatty ointment base; that the *Mount Clemens Mineral Salts* consisted essentially of water and chlorides of calcium, magnesium, sodium, and a small proportion of iron; that the *Mount Clemens Cleme-Tone Concentrated Mineral Water* consisted essentially of water and calcium and magnesium and sodium chlorides; and that

the *Pile-Dume* consisted essentially of the chlorides and carbonates of sodium, potassium, calcium, and magnesium in a fatty base containing some water.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the articles were false and misleading. The statements represented and suggested that the *Mel-O-Eze* would be effective in the treatment of athlete's foot and eczema; that the *Mount Clemens Mineral Salts* would be effective in the treatment of rheumatism, nervousness, neuritis, and arthritis, and for the relief of that tired, weary, run-down feeling and body fatigue; that the *Mount Clemens Cleme-Tone Concentrated Mineral Water* would be effective in the treatment of gastric hyperacidity and ulcerated stomach; and that the *Pile-Dume* would be effective in the treatment of bleeding and protruding piles. The articles would not be effective for such conditions.

Further misbranding, Section 502 (f) (2), the labeling of the *Pile-Dume* failed to bear such adequate warnings against use in those pathological conditions where its use may be dangerous to health, in such manner and form as are necessary for the protection of users, since its labeling failed to warn that bleeding may be an indication of cancer.

DISPOSITION: January 13, 1949. The Mount Clemens Mineral Water Co., Mount Clemens, Mich., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

2555. Misbranding of Tox Eliminator devices. U. S. v. 2 * * *. Tried to the court. Verdict for the Government. Decree of condemnation and destruction. (F. D. C. No. 24752. Sample Nos. 68180-H, 68181-H.)

LIBEL FILED: May 10, 1948, Eastern District of Oklahoma; amended libel filed July 9, 1948.

ALLEGED SHIPMENT: On or about December 2 and 26, 1946, by the Tox Eliminator Co., from Glendale, Calif., and Louisville, Ky.

PRODUCT: 2 devices known as *Tox Eliminator* at Poteau, Okla. The device was an apparatus for flushing the colon.

NATURE OF CHARGE: Misbranding Section 502 (a), certain statements in the accompanying labeling of the device, consisting of circular letters dated January 1, 1947, addressed to "Dear friend" and leaflets entitled "The Modern, Scientific Drugless Way to Health" and "The Magic Power of Water," were false and misleading. These statements represented and suggested that the device was effective in helping to purify the blood stream in performing its marvelous function of healing and correcting in all parts of the body; in treating intestinal toxemia, arthritis, rheumatism, neuritis, high and low blood pressure, toxic heart conditions, ulcers of stomach and bowels, colitis, chronic appendicitis, gall bladder and liver troubles, kidney and bladder troubles, asthma, migraine, toxic skin troubles, lumbago, excessive fatigue, foul breath, indigestion, irregular heart, menopause disturbances, muddy or pimply complexion, nervousness, pruritus, sinus trouble, run-down condition, shortness of breath, sleeplessness, ulcers of the colon, and disturbed bowel conditions; in giving necessary tone to the tissues; in cleansing the blood stream by assisting in eliminating the causes of blood pollution; in assisting in relieving sinus and antrum complications; helping to re-establish a normal peristalsis or natural muscular activity of the intestines; in helping improve the complexion by assisting in eliminating the causes of pollution of the blood stream; in helping to prevent hardening of the arteries by minimizing the